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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket. No.: P66536US1

In re the Application of: Henrik STENDER et al.

Serial No.: 09/544,934

Group Art Unit: 1655

Filed: April 7, 2000

Examiner: J. Fredman

Title: NOVELL PROBES FOR THE DETECTION OF MYCOBACTERIA

**REQUEST FOR NOTICE TO FILE MISSING PARTS AND  
WITHDRAWAL OF OFFICE ACTION**

Commissioner of Patents  
Washington, D.C. 20231

Sir:

Applicants request that the PTO issue a Notice to file Missing Parts and withdraw the final Office Action mailed January 18, 2002.

A continued prosecution application (CPA) was filed without the filing fee under Rule 53(f) on December 21, 2001. Consistent with filing the CPA under Rule 53(f), the filing papers did not contain an authorization to charge the filing fee to the deposit account of applicants' undersigned attorneys of record and revoked any previous general authorization to charge fees to the deposit account. The fee has not been paid, nor has a notice to file missing parts requiring payment of the fee been issued. A final Office Action on the merits was mailed on January 18, 2002.

Applicants respectfully submit that, under Rule 53(f), filing a CPA with the filing fee deferred requires that the PTO issue a notice requiring payment of the subject fee. Since the notice has not been issued, and applicants have not paid the filing fee, the final Office Action was issued prematurely, i.e., the application filing requirements had not been fully met. Therefore, withdrawal of the final Office Action and mailing a Notice to File Missing Parts are in order. 37 CFR 1.53(f).

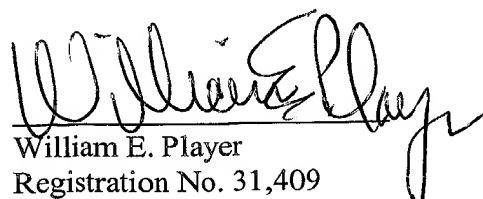
Favorable action is requested.

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Date: January 31, 2002  
Atty. Docket No. P66536US1  
WEP/rdt

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Respectfully submitted,

By:

  
William E. Player  
Registration No. 31,409